

39. The system of claim 34 further comprising:
means for verifying that transaction identifiers associated with real time data from
said bank are not duplicates.

40. The system of claim 34 further comprising:
means for identifying replenishment transactions that are in variance with information
contained in said summary data; and
means for logging replenishment transactions identified by said means for identifying
into an exception file.

Sub
D1
concluded

REMARKS/ARGUMENTS

Claims 11-15, 23 and 27-40 are pending in the application and were rejected in the Office Action mailed June 5, 2002. The outstanding issues in the present Office Action are:

- Claims 11-14, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taskett WO 97/04579 (hereinafter "*Taskett579*") and Taskett WO 98/25237 (hereinafter "*Taskett237*") in view of United States Patent No. 5,796,832, issued to Kawan, *et al.* (hereinafter "*Kawan*").
- Claims 15, 23 and 34-40 have been allowed; and
- Claims 29-33 stand objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form.

I. Claim Amendments and Cancellations

Claim 11 has been amended to include the elements of claim 33. Accordingly, Applicants have canceled claim 33. Applicants submit that claim 11 contains no new matter. The amendments to claim 11 are supported at least on page 16, lines 8 – 10 of the Application.

II. Rejections under 35 U.S.C. § 103(a)

To establish a prima facie case of obviousness, three basic requirements must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. M.P.E.P. § 2143. Without conceding the first and second requirements, Applicants traverse that the rejection of record does not satisfy at least the third requirement.

A. Independent Claim 11

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Taskett237* and *Taskett579* in view of *Kawan*. Applicants have amended claim 11 by adding the elements of claim 33. The Examiner objected to claim 33 as "being depended upon a rejected base claim." However, the Examiner stated that claim 33 "would be allowable if rewritten in independent form..." (See Office Action at page 6). Accordingly, Applicants submit that claim 11, as amended, is patentable under 35 U.S.C. § 103(a) over the cited combination of *Taskett237*, *taskett579* and *Kawan*.

B. Dependent Claims 12 – 14 and 29 – 33

Claims 12 – 14 and 29 – 32 depend from claim 11 and, hence, inherit all limitations of claim 11. As discussed above, claim 11 is allowable. Therefore, dependent claims 12 – 14 and claims 29 – 32 are also allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 12 – 14 and 29 – 32 and pass the claims to issue.

C. Independent Claims 27 and 28

The Examiner rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Taskett237* and *Taskett579* in view of *Kawan*. To support this rejection the Examiner referenced *Kawan* at Figure 2C, Figure 4, column 4, lines 4 – 14 and column 6, lines 4+. The cited text merely details a methodology wherein ATM machine locations can be reduced by enabling users to obtain financial information via a "wireless service/terminal unit," which is essentially a wireless ATM machine that can electronically transfer funds to an account card. (See *Kawan* at column 6, lines 4 – 12). The Examiner uses the cited text in conjunction with *Taskett237* and *Taskett579* to assert that "it would have been obvious...to substitute the association of the wireless prepaid phone card account for the normal phone account" of *Taskett237* and *Taskett579*. (See Office Action at page 5). However, *Taskett237* merely provides a means for utilizing a pre-paid account card and regenerating

the amount associated with the card. Further, *Taskett579* simply provides a method for transmitting summary data regarding an account to a requesting party (i.e. customer).

Claim 27 requires, in part:

a processor that receives network messages associated with a user-dialed replenishment code, wherein said network messages comprise wireless telephone identification information and personal identification number (PIN) information; . . .

and

said processor having means for identifying users by extracting said wireless telephone identification information and authenticating said PIN information...

Claim 28 requires, in part:

identifying the wireless device using calling number information contained in network messages associated with said wireless device; . . .

and

selecting, from a database, a prepaid account associated with said wireless device...

Nowhere in *Taskett237*, *Taskett579* nor *Kawan* is there any suggestion or teaching of a "network messages compris[ing] wireless telephone identification information and personal identification number" (as required in claim 27), "[a] processor having means for identifying users by extracting said wireless telephone identification information and authenticating said PIN information" (as required in claim 27), "identifying the wireless device using calling number information contained in network messages associated with said wireless device" (as required in claim 28), nor "a prepaid account associated with said wireless device" (as required in claim 28). Consequently, *Taskett237*, *Taskett579* and *Kawan* fail to teach or suggest each and every limitation of the claims.

M.P.E.P. § 2143.03 requires that all claim limitations must be taught or suggested by the prior art to support an obviousness rejection under 35 U.S.C. § 103(a). As discussed above, *Taskett237*, *Taskett579* and *Kawan*, whether taken separately or together, fail to teach or suggest all limitations of claims 27 and 28. Accordingly, the cited combination of references does not teach each and every element of claims 27 and 28. Therefore, claims 27

and 28 are not obvious in view of the combination of *Taskett237*, *Taskett579* and *Kawan*.

III. Allowable Subject Matter

The Examiner noted that claims 15, 23 and 34 – 40 are allowed. The Examiner objected to claims 29 – 32, as relying from rejected base claim 11. Applicants have amended claim 11 to include the elements of claim 33; thus, rendering claim 11 allowable. Therefore, Applicants respectfully submit that dependent claims 29 – 32 are also allowable.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “Version with markings to show changes made.”

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. DO-051410/P013US/09900130 from which the undersigned is authorized to draw.

Dated: August 7, 2002

Respectfully submitted,

By Michael J. Fogarty, III
Michael J. Fogarty, III
Registration No.: 42,541
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue
Suite 2800
Dallas, Texas 75201
(214) 855-8000
(214) 855-8200 (Fax)
Attorneys for Applicant

Version With Markings to Show Changes Made

11. (Twice Amended) A method of providing prepaid account services to consumers comprising the steps of:

assigning prepaid accounts to said consumers;
associating said prepaid accounts with wireless telephones;
communicating with a banking network regarding consumer replenishment transactions, wherein said communicating with said banking network step further comprises the steps of:

receiving transaction messages following individual replenishment transactions by said consumers;

receiving a reconciliation message summarizing substantially all individual transactions that occurred during a certain period;

reconciling said individual transactions; and

sending a message indicating the disbursement of funds associated with said replenishment transactions;

communicating with a prepaid engine regarding said consumer replenishment transactions;

and

sending a disbursement message to said banking network, wherein said disbursement message comprises information regarding the distribution of funds associated with said replenishment transactions.

Please cancel ~~claim~~ 33.